

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

DOT-00 INR-10 NSAE-00 RSC-01 FAA-00 L-03 SS-20 NSC-07

AGR-20 VO-03 SCA-01 TRSE-00 CPR-02 INSE-00 DRC-01

/114 W

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R 102208Z APR 74

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 3166

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E.O. 11652: N/A

TAGS: ETRN, CA

SUBJECT: CIVAIR - PRECLEARANCE

REF: STATE 068595

1. FOLLOWING IS CURRENT STATUS OUR EFFORTS RESOLVE
PROBLEMS:

(A) PRIVILEGES AND IMMUNITIES: EMBASSY ADMIN COUNSELOR
HAS INFORMALLY DISCUSSED QUESTION WITH WADE (EXTAFF
PROTOCOL DIVISION) WHO EXPECTS TO BE ABLE TO AGREE TO
AN ACCEPTABLE ARRANGEMENT RELATING TO FILES AND EQUIP-
MENT. US INTEREST IN DISCUSSING PERSONAL PRIVILEGES
QUESTION AFTER SIGNATURE ORALLY CONVEYED APRIL 5 TO
WAFE AND FULFORD (DIRECTOR, TRANSPORT, COMMUNICATIONS
AND ENERGY DIVISION, EXTAFF), WHO WERE NON-COMMITTAL
FROM SUBSTANTIVE VIEWPOINT.

(B) COMMUTER AIRLINES: TCO ORALLY REVIEWED SUGGESTED
INTERIM ARRANGEMENT WITH SEAL (MOT) ON APRIL 8, WHO
CONTINUED UNHAPPY OVER ANY EXTENSION OF PRECLEARANCE
TO LIGHT AIRCRAFT AND ANY MODIFICATION OF INITIALED
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AGREEMENT (SEE OTTAWA 944). SEAL INDICATED HE NO

LONGER KEY FIGURE RE PRECLEARANCE. CENTER OF GRAVITY HAS SHIFTED TO INTERDEPARTMENTAL INSPECTION SERVICES COMMITTEE (IISC) TO WHICH HE IS ONLY AN ADVISOR (A ROLE HE APPEARS ANXIOUS TO SHED). MATTER FURTHER DISCUSSED WITH FULFORD APRIL 28 WHO INDICATED EXTAFF SHARED VIEW OF NOT MODIFYING INITIALED AGREEMENT. HOWEVER, EXTENDING PRECLEARANCE TO PILGRIM SEEMED TO POSE NO PRACTICAL PROBLEMS AND HE IMPLIED WE WILL GET A POSITIVE ANSWER AFTER IISC CONSIDERS ISSUE.

(C) MEANING OF ARTICLE VII(B):

1. (A) LETTER BASED ON SUBPARAGRAPH C REFTEL SENT FORMALLY TO EXTAFF APRIL 8 AND COPY GIVEN SEAL SAME DAY. SEAL INDICATED US INTERPRETATION OF ARTICLE WOULD BE TROUBLESOME AS IT ASSUMES THAT AN INSPECTION SYSTEM BASED ON SIGNIFICANT AMOUNTS OF OVERTIME WOULD BE CONTINUED OVER THE LONGER TERM BY US AGENCIES. STATED THAT AT SEVERAL TIMES DURING PRECLEARANCE NEGOTIATIONS USG GAVE POSITIVE ASSURANCES THAT IT INTENDED TO DO AWAY WITH OVERTIME AND OPERATE ITS FACILITIES IN CANADA ESSENTIALLY ON A REGULAR TIME BASIS. THIS IS COURSE WHICH GOC INTENDS TO FOLLOW AND IS PREPARING TO STAFF ACCORDINGLY FOR ITS US OPERATIONS. IN FACT, HE ADVISED CONFIDENTIALLY, CANADA CUSTOMS IS FLOATING A FIGURE OF 200 INSPECTORS AS NEEDED TO OPERATE FOUR PRECLEARANCE POINTS ON A NO-OVERTIME BASIS. WHETHER TREASURY BOARD WILL ACCEPT SUCH A FIGURE REMAINS TO BE SEEN.

(B) FULLFORD ON APRIL 10 TOOK A POSITION SIMILAR TO SEAL'S. ALSO INDICATED HIS UNDERSTANDING THAT US HAD COMMITTED ITSELF TO MAINTAIN AT CANADIAN POINTS A RATION OF STAFF TO PASSENGERS COMPARABLE TO THAT MAINTAINED AT KENNEDY AND OTHER MAJOR US POINTS. THUS, OVERTIME CHARGES IN CANADA WOULD BE PROPORTIONATELY NO GREATER THAN IF THE CARRIERS WERE EMPLOYING POSTCLEARANCE IN US. FULFORD ASKED THAT STATE DEPT REVIEW RECORD OF NEGOTIATIONS AND SATISFY ITSELF THAT INSPECTION AGENCIES ARE IN FACT PROPERLY STAFFING FROM THIS VIEW POINT AS HE HAD THE FEELING THAT THIS WOULD BE AN ISSUE FOR LIMITED OFFICIAL USE

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CONSULTATIONS AT SOME STAGE.

2. (A) SEAL ALSO SUGGESTED MORE SPECIFICALLY THAT USG IS MISINTERPRETING AIR CANADA'S POSITION IN THIS INSTANCE. IN HIS VIEW THE CARRIER WAS NOT SAYING AT PRESENT IT CANNOT BE CHARGED FOR OVERTIME. RATHER, IT IS OBJECTING TO WAY OVERTIME HAS BEEN CALCULATED IN A SPECIFIC BILLING IN WHICH EXTRAORDINARY CHARGES

ASSOCIATED WITH TRANSFER OF INSPECTORS HAVE BEEN
WORKED INTO THE CALCULATION. (COMMENT: THIS
SUGGESTION DOES NOT APPEAR BORNE OUT BY OUR
READING OF THE FEB 20 LETTER (OTTAWA 959) WHICH
MENTIONS A SPECIFIC BILLING -- NOT ATTACHED -- AND
THEN DISCUSSES THE ISSUE AS ONE OF PRINCIPLE.)
(B) FULFORD INDICATED HE UNDERSTOOD THIS AS WELL AS
THE LONGER-TERM OVERTIME PHILOSOPHY WAS AN ISSUE, BUT
SINCE EXTAFH HAD NOT YET REVIEWED THE PARTICULAR
BILLINGS HE COULD NOT COMMENT SPECIFICALLY.
HE ASKED THAT STATE DEPT REVIEW THE CALCULATIONS.

(D) VICTORIA PRECLEARANCE: LETTER BASED ON
SUBPARAGRAPH D SENT TO EXTAFH APRIL 8 AND COPY GIVEN
TO SEAL THAT DATE. SEAL APPEARED SATISFIED.
PORTER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AVIATION AGREEMENTS, FLIGHT CLEARANCES, CUSTOMS CLEARANCES, CUSTOMS ADMINISTRATION, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 10 APR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740083-0288
From: OTTAWA
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ISecure: 1
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Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
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Original Previous Classification: n/a
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Page Count: 3
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Previous Handling Restrictions: n/a
Reference: STATE 068595
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags:
Review Date: 12 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12 APR 2002 by ifshinsr>; APPROVED <22 JUL 2002 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
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30 JUN 2005

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TAGS: ETRN, CA
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